

PATENT

REMARKS

Claims 23-27 are pending. The Examiner has rejected claims 22, 23, 25 and 26 under non-statutory double patenting over claim 1 of U.S. Patent 6,542,488. Moreover, the Examiner has rejected claims 23 and 26 under non-statutory double patenting over claim 1 of U.S. Patent 6,275,478. In addition, the Examiner has noted U.S. Publication No. 2001/0028638 for rejecting claims 22, 23, 25 and 26 under non-statutory double patenting. The Examiner has provided arguments that are not coherent nor could be reduced to understand exactly the basis of the rejection based on the non-statutory double patenting. The Examiner notes, while referring to the US Publication, "...would improperly extend the right to exclude already granted in the patent". Applicant likes to note that U.S. Publications are not granted patents. See paragraph 3 of the Examiner Office action. In paragraph 4, the Examiner recites both a patent and a US Publication. Therefore, the arguments provided by Examiner for the non-statutory double patenting rejection are not coherent. As such, Applicant will look forward from the Examiner for properly worded arguments for the non-statutory double patenting rejection, and will respond accordingly.

The Examiner has rejected claims 22-27 under section 103(a) as being unpatentable over US 5,590,409 (Sawahashi) in view of 5,909,436 (Engstrom). In rejecting the claims, Examiner notes that Sawahashi does not disclose an access channel of a plurality of access channels, but Engstrom discloses as such. I like to take the Examiner's attention of the complete wordings of the claims. For example, claim 22 is repeated below.

22. (New) *A method for controlling transmission of signals from one or more mobile stations to a base station on a plurality of access channels, the method comprising:*

transmitting a power control information packet formed from a plurality of power control bits from a base station to said one or more mobile stations of a plurality of mobile stations;

mapping a position of each of the power control bits in the power control information packet to a selected access channel of said plurality of access channels and to a time offset within the selected access channel.

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The Examiner has failed to consider each and every element of the claimed invention. A position of each of the power control bits in the power control information packet is mapped to a selected access channel and a time offset within the selected access channel. The specific citation the Examiner has provided in reference to Engstrom relates to a common technique of accessing a base station and does not include mapping of power control bits, and moreover mapping to a time offset within a selected access channel. Applicants request from the Examiner to review the claims and each and every limitation of the claimed invention while considering rejecting the claims based on the cited references. As such, Examiner has not made a *prima facie* case of obviousness over the cited references.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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